



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5095

Introduced 1/29/2010, by Rep. Tom Cross - Timothy L. Schmitz

#### SYNOPSIS AS INTRODUCED:

New Act

625 ILCS 5/2-112

from Ch. 95 1/2, par. 2-112

625 ILCS 5/6-109

from Ch. 95 1/2, par. 6-109

Creates the Pedestrians with Disabilities Safety Act. Defines "blind", "mobility device", "motorized wheelchair", and "pedestrian with a disability". Provides that a person with a disability: has the same right as a nondisabled person to the full use of the streets and public places; is entitled to full and equal accommodations of all common carriers, public conveyances, or modes of transportation, and places of public accommodation subject only to the conditions established by law and applicable to all persons; and, if the person has a service or support animal, has the right to be accompanied by the animal in any of the places listed without being required to pay an extra charge provided that the person shall be liable for any damage done by the animal. Provides that a vehicle operator shall accommodate a pedestrian with a disability who is using a mobility device, service animal, or white cane and take all necessary precautions to avoid injury. Provides that any person who interferes with the rights of a person with a disability under the Act is guilty of a Class A misdemeanor with a minimum fine of \$500 per violation. Provides that each year the Governor is authorized and requested to proclaim Pedestrians with Disabilities Safety Day. Amends the Illinois Vehicle Code. Provides that the Secretary of State is mandated to revise its publications, including the Illinois Rules of the Road, and the drivers license examination to reflect the provisions of the Pedestrians with Disabilities Safety Act. Contains other provisions. Repeals the White Cane Law. Effective July 1, 2010.

LRB096 16170 AJO 31422 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Pedestrians with Disabilities Safety Act.

6 Section 5. Definitions. For purposes of this Act,

7 "Blind" means any person whose central visual acuity does  
8 not exceed 20/200 in the better eye with corrective lenses or a  
9 visually impaired person whose vision with best correction is  
10 20/60 in the better eye, or with a field restriction of 105  
11 degrees if monocular vision or 140 degrees if binocular vision.

12 "Mobility device" means a support cane, walker, crutches,  
13 wheelchair, scooter, or other device, the use of which is  
14 necessary by a pedestrian with a disability to travel.

15 "Motorized wheelchair" means any self-propelled vehicle,  
16 including a three-wheeled vehicle, designed for and used by  
17 persons with disabilities, that is incapable of a speed in  
18 excess of 8 miles per hour on level ground.

19 "Pedestrian with a disability" means a person with a visual  
20 or physical impairment, epilepsy or other seizure disorder, or  
21 any other type of disability not specifically mentioned herein  
22 which may require the individual to use a white cane, dog  
23 guide, other service animal, or mobility device to travel on

1 the streets, sidewalks, and highways of the State.

2 Section 10. Person with a disability.

3 (a) Any pedestrian with a disability has the same right as  
4 a nondisabled person to the full and free use of the streets,  
5 highways, sidewalks, walkways, public buildings, public  
6 facilities, and other public places.

7 (b) A person with a disability is entitled to full and  
8 equal accommodations, advantages, facilities, and privileges  
9 of all common carriers, airplanes, motor vehicles, railroad  
10 trains, motor buses, street cars, boats, or any other public  
11 conveyances or modes of transportation, hotels, lodging  
12 places, places of public accommodation, amusement or resort,  
13 and other places to which the general public is invited,  
14 subject only to the conditions and limitations established by  
15 law and applicable alike to all persons.

16 (c) Any person with a disability or a trainer of service or  
17 support animals, including but not limited to dog guides and  
18 hearing dogs, shall have the right to be accompanied by a  
19 service or support animal especially trained for that purpose,  
20 or an animal that is being trained to be a service or support  
21 animal, in any of the places listed in this Section without  
22 being required to pay an extra charge for the service or  
23 support animal, provided that the person shall be liable for  
24 any damage done to the premises or facilities by the animal.

1 Section 15. Mobility device; service or support animal;  
2 white cane.

3 (a) An operator of a vehicle shall stop the vehicle before  
4 approaching closer than 10 feet to a pedestrian with a  
5 disability who is using a mobility device, accompanied by a  
6 visibly identifiable service or support animal, or carrying or  
7 using a cane predominately white or metallic in color, with or  
8 without a red tip, and which is held in an extended or raised  
9 position, and shall take precautions that may be necessary to  
10 avoid an accident or injury to the pedestrian. The fact that  
11 the pedestrian may be violating any of the laws applicable to  
12 pedestrians does not relieve the operator of a vehicle from the  
13 duties imposed by this subsection. A vehicle operator  
14 approaching a pedestrian with a disability who is using a  
15 mobility device, accompanied by a visibly identifiable service  
16 or support animal, or visibly carrying or using a cane  
17 predominately white or metallic in color, with or without a red  
18 tip, shall take all necessary precautions to avoid injury to  
19 the pedestrian, and any vehicle operator who fails to take such  
20 precautions shall be liable for damages for any injury caused  
21 to the pedestrian.

22 (b) Nothing in this Act shall be construed to deprive any  
23 pedestrian with a disability who is not using a mobility  
24 device, not accompanied by a visibly identifiable service or  
25 support animal, or not carrying or using a cane predominately  
26 white or metallic in color, with or without a red tip, of the

1 rights of other pedestrians, nor shall such an occurrence be  
2 conclusively held to constitute evidence of contributory  
3 negligence.

4 (c) No person who is not a person with a disability shall  
5 use a mobility device, be accompanied by a visibly identifiable  
6 service or support animal, or carry or use on any street,  
7 highway, or other public place a cane predominately white or  
8 metallic in color, with or without a red tip.

9 (d) Exceptions to the provisions of this Section shall be  
10 granted for qualified professionals involved in the training of  
11 visibly identifiable service or support animals including  
12 training a person with a disability in the use of an animal,  
13 orientation and mobility instructors who are providing  
14 instruction to persons with disabilities or receiving training  
15 to enable them to provide that instruction, or any otherwise  
16 qualified person providing instruction to a person with a  
17 disability in the proper use of a mobility device.

18 (e) Any person who denies or interferes with admittance to  
19 or enjoyment of the public facilities enumerated in this Act or  
20 otherwise interferes with the rights of a person with a  
21 disability under this Section shall be guilty of a Class A  
22 misdemeanor with a mandatory minimum fine of \$500 for each  
23 violation.

24 Section 20. Proclamation. Each year, the Governor is  
25 authorized and requested to designate and take suitable public

1 notice of Pedestrians with Disabilities Safety Day (October 15)  
2 and to issue a proclamation which:

3 (1) comments upon the necessity for and significance of the  
4 Pedestrians with Disabilities Safety Act;

5 (2) calls upon the citizens of the State to observe the  
6 provisions of the Pedestrians with Disabilities Safety Act and  
7 to take precautions necessary to the safety of pedestrians with  
8 disabilities;

9 (3) reminds the citizens of the State of the policies with  
10 respect to persons with disabilities and urges all citizens to  
11 cooperate in giving effect to them;

12 (4) emphasizes the need of all citizens to be aware of the  
13 presence of persons with disabilities in the community and to  
14 keep safe and functional for persons with disabilities the  
15 streets, highways, sidewalks, walkways, public buildings,  
16 public facilities, other public places, places of public  
17 accommodation, amusement and resort, and other places to which  
18 the public is invited, and to offer assistance to persons with  
19 disabilities upon appropriate occasions.

20 Section 80. The Illinois Vehicle Code is amended by  
21 changing Sections 2-112 and 6-109 as follows:

22 (625 ILCS 5/2-112) (from Ch. 95 1/2, par. 2-112)

23 Sec. 2-112. Distribution of synopsis laws.

24 (a) The Secretary of State may publish a synopsis or

1 summary of the laws of this State regulating the operation of  
2 vehicles and may deliver a copy thereof without charge with  
3 each original vehicle registration and with each original  
4 driver's license.

5 (b) The Secretary of State shall make any necessary  
6 revisions in its publications including, but not limited to,  
7 the Illinois Rules of the Road, to accurately conform its  
8 publications to the provisions of the Pedestrians with  
9 Disabilities Safety Act. The Secretary of State shall make  
10 these revisions after consulting with disability rights  
11 organizations that represent persons with disabilities who are  
12 protected by the Pedestrians with Disabilities Safety Act.

13 (Source: P.A. 76-1586.)

14 (625 ILCS 5/6-109) (from Ch. 95 1/2, par. 6-109)

15 Sec. 6-109. Examination of Applicants.

16 (a) The Secretary of State shall examine every applicant  
17 for a driver's license or permit who has not been previously  
18 licensed as a driver under the laws of this State or any other  
19 state or country, or any applicant for renewal of such driver's  
20 license or permit when such license or permit has been expired  
21 for more than one year. The Secretary of State shall, subject  
22 to the provisions of paragraph (c), examine every licensed  
23 driver at least every 8 years, and may examine or re-examine  
24 any other applicant or licensed driver, provided that during  
25 the years 1984 through 1991 those drivers issued a license for

1 3 years may be re-examined not less than every 7 years or more  
2 than every 10 years.

3 The Secretary of State shall require the testing of the  
4 eyesight of any driver's license or permit applicant who has  
5 not been previously licensed as a driver under the laws of this  
6 State and shall promulgate rules and regulations to provide for  
7 the orderly administration of all the provisions of this  
8 Section. The Secretary of State shall include at least one test  
9 question that concerns the provisions of the Pedestrians with  
10 Disabilities Safety Act in the question pool used for the  
11 written portion of the drivers license examination within one  
12 year after the effective date of this amendatory Act of the  
13 96th General Assembly. The Secretary of State shall make these  
14 revisions after consulting with disability rights  
15 organizations that represent persons with disabilities who are  
16 protected by the Pedestrians with Disabilities Safety Act.

17 (b) Except as provided for those applicants in paragraph  
18 (c), such examination shall include a test of the applicant's  
19 eyesight, his ability to read and understand official traffic  
20 control devices, his knowledge of safe driving practices and  
21 the traffic laws of this State, and may include an actual  
22 demonstration of the applicant's ability to exercise ordinary  
23 and reasonable control of the operation of a motor vehicle, and  
24 such further physical and mental examination as the Secretary  
25 of State finds necessary to determine the applicant's fitness  
26 to operate a motor vehicle safely on the highways, except the

1 examination of an applicant 75 years of age or older shall  
2 include an actual demonstration of the applicant's ability to  
3 exercise ordinary and reasonable control of the operation of a  
4 motor vehicle. All portions of written and verbal examinations  
5 under this Section, excepting where the English language  
6 appears on facsimiles of road signs, may be given in the  
7 Spanish language and, at the discretion of the Secretary of  
8 State, in any other language as well as in English upon request  
9 of the examinee. Deaf persons who are otherwise qualified are  
10 not prohibited from being issued a license, other than a  
11 commercial driver's license, under this Code.

12 (c) Re-examination for those applicants who at the time of  
13 renewing their driver's license possess a driving record devoid  
14 of any convictions of traffic violations or evidence of  
15 committing an offense for which mandatory revocation would be  
16 required upon conviction pursuant to Section 6-205 at the time  
17 of renewal shall be in a manner prescribed by the Secretary in  
18 order to determine an applicant's ability to safely operate a  
19 motor vehicle, except that every applicant for the renewal of a  
20 driver's license who is 75 years of age or older must prove, by  
21 an actual demonstration, the applicant's ability to exercise  
22 reasonable care in the safe operation of a motor vehicle.

23 (d) In the event the applicant is not ineligible under the  
24 provisions of Section 6-103 to receive a driver's license, the  
25 Secretary of State shall make provision for giving an  
26 examination, either in the county where the applicant resides

1 or at a place adjacent thereto reasonably convenient to the  
2 applicant, within not more than 30 days from the date said  
3 application is received.

4 (Source: P.A. 91-350, eff. 7-29-99.)

5 Section 99. Effective date. This Act takes effect July 1,  
6 2010.